

Remarks

In the subject Office Action, claim 9 was rejected under sec 112, second paragraph. Claims 1-13, 16-21, 23-24 were rejected under the judicially created doctrine of double patenting. Claims 1-14(11?), 16-19, 21 and 23 were rejected under 35 USC 102(e) as being anticipated Nason. Claims 12-13, 20, 24 were rejected under 35 USC 103 in view of Nason and Gould. Claims 14-15, 22, 25-34 are under restriction requirement.

In response, Applicant has amended claims 1, 6, 10, 11, 13, 14, 16, 17, 20 and 25 to overcome the Examiner's 102 and 103 rejections, to be discussed more fully below. Additionally, Applicant submits herewith a Terminal Disclaimer, overcoming the Examiner's double patenting rejection.

With respect to the rejection against claim 9, Applicant respectfully directs the Examiner's attention to the fact that claim 9 depends on claim 1 (through claims 7, 6 and 5), wherein a "reserving" operation is recited, providing the antecedent for the recitation of "said reserving" in claim 9. Accordingly, withdrawal of the rejection is respectfully requested.

With respect to rejections against claims 1-14, 16-19, 21, 23 under 35 USC 102(e), based on the Examiner's discussion of the reasons of rejection, Applicant assumes the Examiner meant to reject claims 1-11, 16-19, 21, 23 instead. In response, independent claims 1 and 16 have been amended to clearly required the "display surface" to be an "operating system controllable display surface", and the "reserved for exclusive use area" is within this "operating system controllable display surface".

Nason teaches the recovery of the "overscan area" for display. The "overscan area" is by definition outside the "display surface controllable by an operating system". Accordingly, Nason does not anticipate independent claims 1 and 16.

Claims 2-11, and 17-19 depend on claims 1 and 16 respectively, incorporating their limitations. Accordingly, for at least the same reasons, claims 2-11, and 17-19 are patentable over Nason.

Claims 21 and 23 contain in substance the same limitations as amended claims 1 and 16. Therefore, for at least the same reasons, claims 21 and 23 are patentable over Nason.

With respect to claims 12-13, claims 12-13 depend on claim 1, incorporating its limitation. Therefore, for at least the same reasons, claims 12-13 are patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claims 12-13 are still patentable over Nason, even when combined with Gould.

Independent claim 20, has been similarly amended to clearly relate the limitations to reserving exclusive use area within an operating system controllable display surface. Accordingly, claim 20 is patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claim 20 is still patentable over Nason, even when combined with Gould.

Claim 24 contain in substance the same limitations as claim 20. Therefore, for at least the same reasons, claim 24 is patentable over Nason and Gould combined.

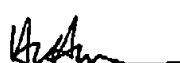
With respect to the restriction of claims 14-15, 22, and 25-29, Applicant has amended claims 14 and 25, and therefore claim 22, to clearly relate the recited limitations to the reservation of exclusive use area in an operating system controllable display surface. Thus, amended claims 14 and 25 are clearly species claims to genus claim 1. Accordingly, withdrawal of the restriction is requested.

In view of the foregoing, Applicant submits that claims 1-29 are directed towards the same invention, and for reasons set forth earlier, are in condition of allowance. Therefore, early issuance of Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393

Respectfully submitted,  
Schwabe, Williamson & Wyatt, PC

Date: April 16, 2004

  
Aloysius AuYeung  
Reg. No. 35,432

Attorney's Docket No.: 109911-130400 Initials: AKP/cah/yc

Application No.: 09/517,874 Filing Date: 3/2/2000

Title: EXCLUSIVE USE DISPLAY SURFACE AREAS AND PERSISTENTLY VISIBLE DISPLAY OF CONTENTS INCLUDING ADVERTISEMENTS

Client: Xoucin Inventor(s): Porter

Date Mailed: 4/16/04 Docket Date: 4/20/04

The following items have been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input checked="" type="checkbox"/> Amendment/Response ( <u>12</u> pgs.)	<input type="checkbox"/> Info. Disc. Stmt. & List of Reference(s) ( <u>  </u> pgs.)
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<input checked="" type="checkbox"/> Other: <u>Terminal Disclaimer (1 pg.)</u>	

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Approved for use through 07/31/2008, OMB 0651-0032

# FEET TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

## Complete If Known

Application Number	09/517,874
Filing Date	3/2/00
First Named Inventor	Porter
Examiner Name	Nguyen, T.T.
Art Unit	2174
Attorney Docket No.	109911-130400

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

## Deposit Account:

Deposit Account Number: 500393

Deposit Account Name: Schwabe Williamson et al.

The Director is authorized to: (check all that apply)

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## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (S)	Fee (\$)	Fee Code (S)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1063	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	65	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Statutory Disclaimer

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SUBTOTAL (3) (\$ 55)

SUBMITTED BY

Name (Print/Type)	Aloysius T.C. AuYeung	Registration No. (Attorney/Agent)	35,432	(Complete if applicable)
Signature		Telephone	503 222 9981	
		Date	4/16/04	

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Approved for use through 07/31/2006. OMB 0651-0032  
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First Named Inventor	Porter
Examiner Name	Nguyen, T.T.
Art Unit	2174
Attorney Docket No.	109911-130400

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Other fee (specify) **Statutory Disclaimer**

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55

**SUBTOTAL (3) (\$)** 55

(Complete if applicable)

<b>SUBMITTED BY</b>	
Name (Print/Type)	Aloysius T.C. AuYeung
Signature	<i>[Signature]</i>
Registration No. (Attorney/Agent)	35,432
Telephone	503 222 8881
Date	4/16/04

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